IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 20246 of 2004

Between:

K.Shyam Sunder Reddy, S/o M.Rami Reddy,
Kothur Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The Member Secretary, A.P.Pollution Control Board,
Paryavaran Bhavan, A-3: I.E., OPP;Sanathnagar Police Station,
Sanathnagar, Hyderabad.
2 The Joint Chief Environmental Engineer, A.P.Pollution Control Board,
4th Floor, Collectorate Buildings, Nampally, Hyderabad.
3 Rayalaseema Steel Re-Rolling Mills, rep., by its Managing Director,
Reg.Office at 21-2-11, Pattarghatti, Hyderabad-2.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, by declaring the inaction of the 1st and 2nd respondents in not preventing the pollution emanating by the 3rd respondent which causing harm to the people who are living around the 3rd respondent as illegal, arbitrary, against the principles of natural justice and unconstitutional consequently direct the 1st and 2nd respondents to close the 3rd respondent industry as it is causing harm to the public in surroundings of the 3rd respondent industry.

Counsel for the Petitioner: NONE APPEARED

Counsel for the Respondent Nos.1 and 2: MR.S.V.BHATT

Counsel for the Respondent No.3: B. Chandrasen Reddy

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

None for the petitioner.

In this petition filed as "Public Interest Litigation", petitioner sought direction to declare the inaction on the part of the respondents 1 and 2 in not preventing the pollution emanating by the 3rd respondent, which is causing harm to the people living around the 3rd respondent industry as illegal and arbitrary and also sought for consequential directions for closure of the said industry.

There was a closure order issued by the A.P. Pollution Control Board and the Board issued extension of temporary revocation of closure orders on 31.8.2004 for a period upto 10.9.2004. Thereafter, opportunity was afforded to the 3rd respondent for legal hearing by the Board and on 14.12.2004 fresh order was passed by the Board after considering all the material details, extending the revocation of closure orders for a period of three months upto 13.3.2005 with the conditions contained in the said order. A.P. Transco was also instructed to restore power supply temporarily to 3rd respondent-industry for a period of three months upto 13.3.2005 with clear stipulation that revocation orders shall not be misused.

Admittedly, through orders dated 14.12.2004, extension was granted for a limited period subject to strict compliance of the conditions mentioned in the said order by 3rd respondent. In case, pursuant to the orders dated 14.12.2004 of the Pollution Control Board, the 3rd respondent has been operating the industry without complying with the conditions mentioned in the said order, the Pollution Control Board shall pass appropriate orders in accordance with law, which is essential under the Air (Prevention and Control of Pollution) Amendment Act,1987.

The writ petition is, therefore, closed with a direction that Pollution Control

Board shall continue to monitor the 3rd respondent-industry and in case any violation is found, it will take appropriate action against it in accordance with law.

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DEVINDER GUPTA, CJ

Date: 27th December, 2004

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B. SESHASAYANA REDDY,J

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To

1 The Member Secretary, A.P.Pollution Control Board,
Paryavaran Bhavan, A-3: I.E., OPP;Sanathnagar Police Station,
Sanathnagar, Hyderabad.
2 The Joint Chief Environmental Engineer, A.P.Pollution Control Board,
4th Floor, Collectorate Buildings, Nampally, Hyderabad.

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